

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
 Washington, DC 20554

In the Matter of )

Amendment of Section 73.202(b), )  
 Table of Allotments, )  
 FM Broadcast Stations )

(Melba, Idaho) )

MM Docket No. 99-208  
 RM-9627

RECEIVED  
 AUG 10 1999  
 FEDERAL COMMUNICATIONS COMMISSION  
 OFFICE OF THE SECRETARY

Directed to Chief, Allocations Branch

**REPLY COMMENTS OF FM IDAHO CO.**

FM Idaho Co., by its attorneys, hereby replies to the comments of Mountain West Broadcasting ("Mountain West") filed in this proceeding on July 26, 1999 in support of the allocation of Channel 260C2 to Melba, Idaho. In response to a request in the Notice of Proposed Rulemaking, DA 99-1088 (released June 4, 1999) (page 7), Mountain West provided a predicted coverage map that purportedly shows a transmitter site from which 70 dBu service could be provided to Melba. FM Idaho Co. disputes this showing and demonstrates through its own engineering that no such site exists.

In his attached statement, Elliott Kurt Klein, FM Idaho Co.'s engineering consultant, shows there is only a small fully-spaced area within which a Channel 260C2 site could be located and provide city-grade coverage of Melba. However, the entire area is located on public land administered by the Bureau of Land Management ("BLM"). A letter previously provided by the BLM (see Exhibit 1 to FM Idaho Co.'s July 26, 1999 Comments) is referenced by Mr. Klein in his engineering statement. The BLM letter makes it clear that the site is unsuitable and unavailable for use as a broadcast transmitter site because there

is no electrical power to the site, and the cost of providing it would be prohibitive; no environmental studies and clearances have been requested; and the site has been, and will not be, designated as a communications site unless a determination is made that its use as such a site would be appropriate. Mr. Klein adds that the small open area falls within a wilderness area which has no roads, making it unbuildable.

Mr. Klein also points out that the cursory engineering provided by Mountain West in its comments is inadequate to demonstrate there is a suitable, fully-spaced site from which city-grade service to Melba could be provided. Neither the sources nor the methodology used in generating the map were disclosed, and no supporting data was supplied. Moreover, Mountain West fails to take into account the more serious short-spacing and BLM wilderness-area problems described above.

WHEREFORE, These matters considered, it is respectfully requested that the Commission decline to allocate Channel 260C2 to Melba, Idaho.

Respectfully submitted,

FM IDAHO CO.

By: 

Harry C. Martin

Its Attorney

FLETCHER, HEALD & HILDRETH, P.L.C.  
1300 N. 17<sup>th</sup> Street, 11<sup>th</sup> Floor  
Arlington, VA 22209  
(703) 812-0400

August 10, 1999

# KLEIN BROADCAST ENGINEERING

*dedicated to improving the science and technology of radio & television communications*  
AUGUST 9, 1999

FM IDAHO COMPANY

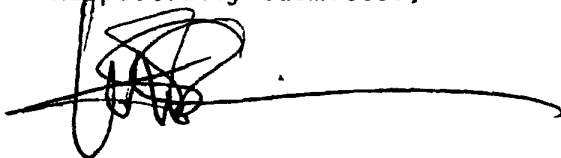
RE: NPRM Melba, Idaho     Docket 99-208   RM-9627

The attached map shows the small area within which the proposed FM channel allocation to the community of Melba, Idaho, may be located, consistent with FCC spacing and city grade coverage rules. The "area" is depicted as the small oval surrounding the "PRM site" shown on the map. The area is small because of the full spacing (Section 73.207) limitations to stations KQXR and KZDX, as well as the ability to provide the required City Grade ( 70 dBu ) coverage contour over the proposed principal community, Melba, Idaho. The calculated distance to the proposed principal community from the NPRM site is 31.94 kilometers. The distance to the predicted 70 dBu contour from the NPRM site with maximum class C2 facilities is 32.6 kilometers. These calculated distances restrict the area to locate to ONLY 0.66 kilometers from the NPRM site.

All of this area appears to be unavailable to the proponent or anyone else, as the U.S. Forest Service, BLM has no plans to develop any of this area for a communications site. Indeed, the small area within which the Melba channel may be located falls within the square marked "PUBLIC" on the 7.5 minute topographic map, prepared by me, for "Rooster Comb Peak" that is the third attachment to the BLM's July 23, 1999, letter to Harry Martin, Esq. (attached) The Area To Locate falls within and is contained within wilderness area. In addition there are no roads or power within many miles of the proposed allocation site, making the proposed site not buildable.

In comments filed with the Commission, the proponent, Mountain West Broadcasting, failed to describe the method used to generate its map exhibit. No details were supplied that explain the map source or its accuracy. No details were supplied that explain the terrain data source used or the method used to generate the coverage contours represented. There is no supporting data on which the Commission may rely, detailed in the Mountain West Broadcasting comment exhibit.

Respectfully submitted,



Elliott Kurt Klein, Consulting Broadcast Engineer  
KLEIN BROADCAST ENGINEERING, L.L.C.  
for FM IDAHO COMPANY

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MAP SOURCE  
U.S. GEOLOGICAL SURVEY  
SCALE 1:250,000

FM Idaho Company

AREA TO LOCATE  
PROPOSED MELBA, ID

August 1999 Klein B'dcast Engineering

FIGURE E1

43° 30' 00"

43° 15' 00"

43° 00' 00"

5 0 5 10 Kilometres

AREA TO LOCATE

KZDX-FM

KQXR-FM

PRM SITE

117° 00' 00"

116° 45' 00"

116° 30' 00"

43° 00' 00"

117° 00'

P 5 W

51

R 4 W

52 45'

R 3 W

53

R 2 W

54 30'



# United States Department of the Interior

## BUREAU OF LAND MANAGEMENT

Lower Snake River District  
Boise Field Office  
3948 Development Avenue  
Boise, Idaho 83705-5389

In Reply Refer To:

2000

July 23, 1999

Harry C. Martin, Esq.  
Fletcher, Heald & Hildreth, P.L.C.  
1300 N. 17<sup>th</sup> Street, 11<sup>th</sup> Floor  
Arlington, VA 22209

Dear Mr. Martin:

This letter is in response to your request for information regarding communication sites on the public lands. The areas you asked about specifically are:


Boise Meridian, Idaho  
T. 3 S., R. 4 W.,  
section 25: NW $\frac{1}{4}$ NE $\frac{1}{4}$ ;  
T. 4 S., R. 6 W.,  
section 13: NW $\frac{1}{4}$ NW $\frac{1}{4}$ ;  
T. 6 S., R. 3 E.,  
section 15: SW $\frac{1}{4}$ SW $\frac{1}{4}$ ;

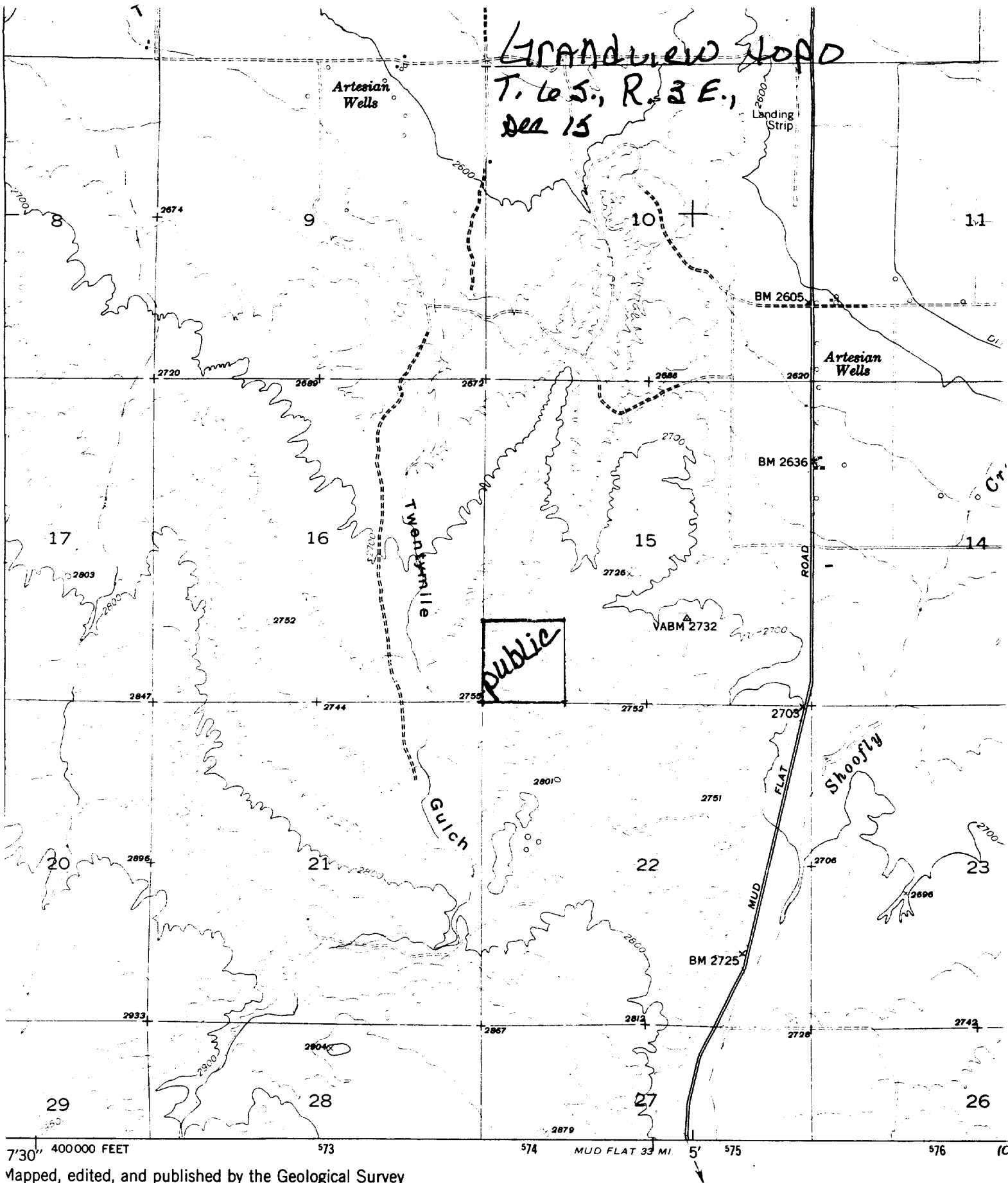
As shown on the attached maps.

As of this date the BLM has issued no authorizations nor have we received any applications for communication sites on the sites listed above. There is no electrical power to any of these sites, and the cost of providing power would be prohibitive. If an application were submitted to this office requesting a communication site on any of these public land parcels, environmental studies and clearances would be required before any decision could be made as to the suitability of a communication site being built. Without these studies, none of these public land parcels will be designated as suitable for future use as a communication site.

The lands surrounding these sites are a mix of State, private and public, with the public lands being predominant.

If you have any further questions regarding this matter, please contact Kelley Moore at (208) 384-3452.

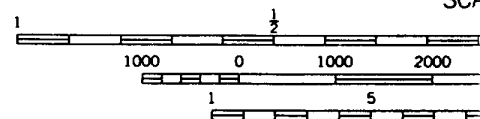
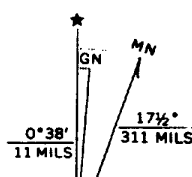
Sincerely,  
  
Kelley Moore  
Owyhee Area Realty Specialist



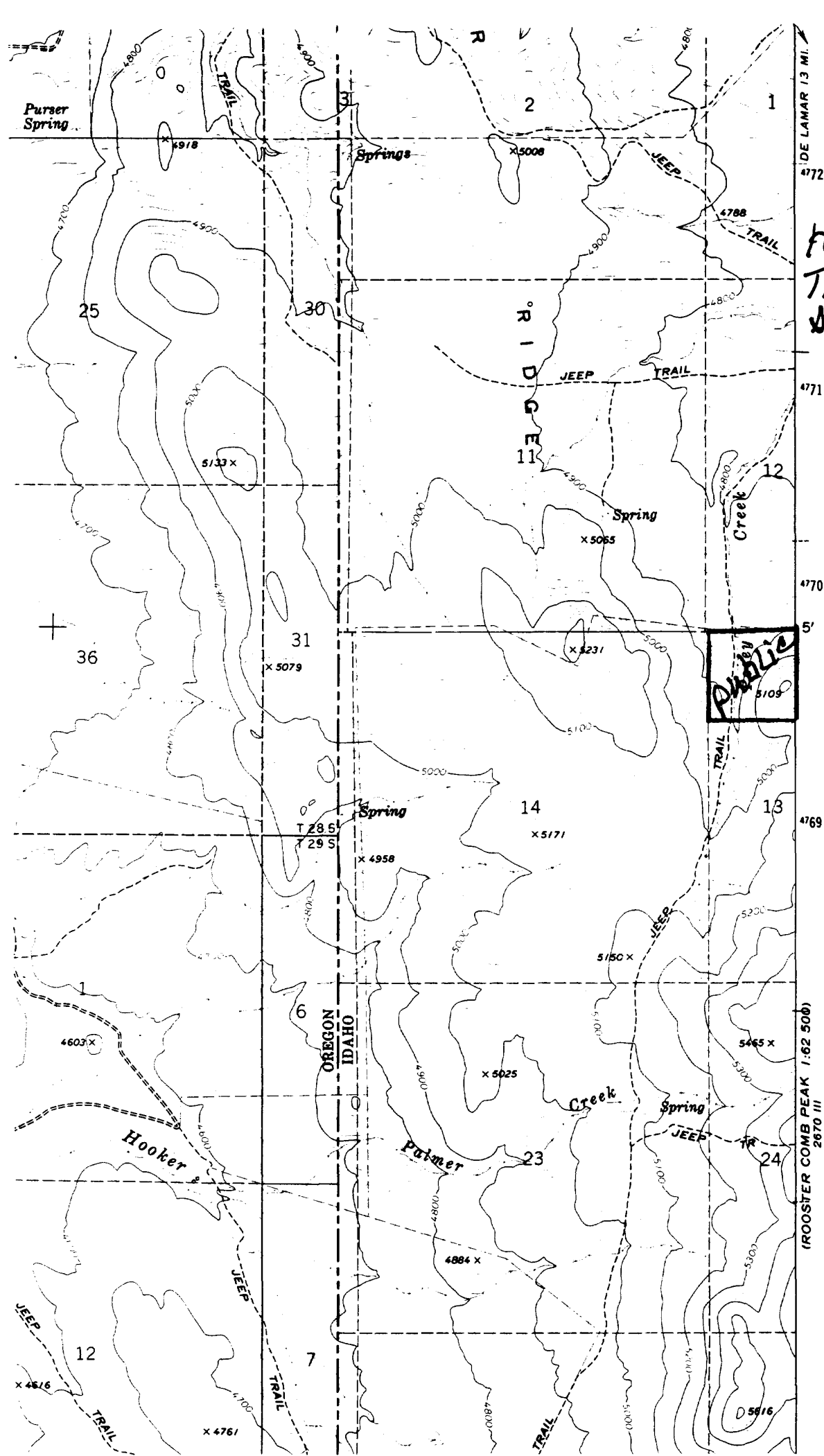
Mapped, edited, and published by the Geological Survey  
 Control by USGS and USC & GS

Culture and drainage in part compiled from  
 aerial photographs taken 1946  
 Topography by plane-table methods 1946-1947

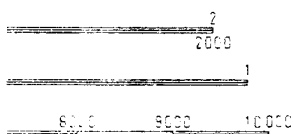
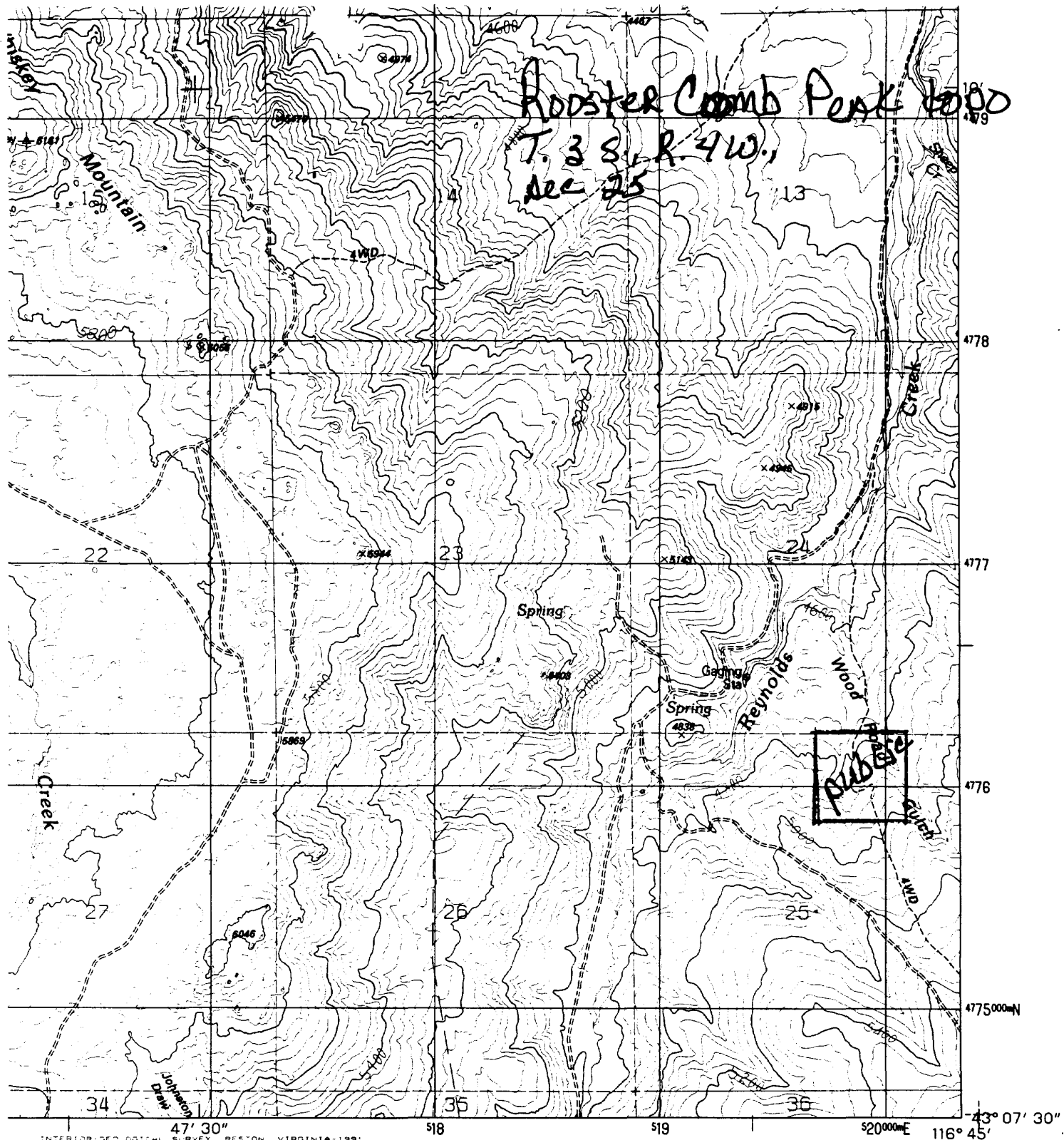
Polyconic projection. 1927 North American datum  
 10000 foot grid based on Idaho coordinate system,  
 West zone



CONTOUR



Hooker Creek topo  
T. 4 S., R. 6 W.,  
Sec 13



1	2	3	1 Piute Butte
4		5	2 Soldier Cap
			3 Wilson Peak
			4 Captain Butte
			5 Reynolds
			6 Swisher Mountain
6	7	8	7 De Lamar
			8 Silver City

ADJOINING 7.5' QUADRANGLE NAMES

#### ROAD LEGEND

Improved Road .....  
Unimproved Road .....  
Trail .....

○ Interstate Route    ○ U.S. Route    ○ State Route

### ROOSTER COMB PEAK, IDAHO PROVISIONAL EDITION 1990

43116-B7-TF-024



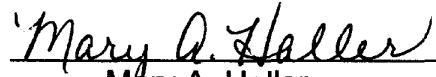
**CERTIFICATE OF SERVICE**

I, Mary A. Haller, a secretary in the law firm of Fletcher, Heald & Hildreth, P.L.C., do hereby certify that true copies of the foregoing "Reply Comments of FM Idaho Co." were sent this 10<sup>th</sup> day of August, 1999, by United States mail, postage prepaid, to the following:

Ms. Nancy Joyner\*  
Federal Communications Commission  
Mass Media Bureau  
445 12<sup>th</sup> Street, S.W., Room 3-A267  
Washington, DC 20554

Mr. Victor A. Michael, Jr.  
President  
Mountain West Broadcasting  
6807 Foxglove Drive  
Cheyenne, WY 82009

\*BY HAND DELIVERY

  
Mary A. Haller